



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

WILLIAM SINGLETARY,	§
	§
Plaintiff,	§
	§
vs.	§
	§
SOUTH CAROLINA DEPARTMENT OF	Civil Action No. 9:17-2698-MGL-BM
CORRECTIONS, WILLIE EAGLETON,	§
ANNIE SELLERS, and REGINALD DAVIS,	§
	§
Defendants.	§
	§
	§

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ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
GRANTING IN PART AND DISMISSING WITHOUT PREJUDICE IN PART  
DEFENDANTS' MOTION TO DISMISS, AND REMANDING PLAINTIFF'S REMAINING  
CAUSE OF ACTION

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This action arises under 42 U.S.C. § 1983. Plaintiff is represented by excellent counsel. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the Court grant Defendants' motion to dismiss in part, dismiss Plaintiff's second cause of action arising under 42 U.S.C. § 1983, and remand Plaintiff's remaining state law cause of action. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the

Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 10, 2018, ECF No. 34, but Plaintiff failed to file any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Defendants’ motion to dismiss is **GRANTED IN PART** and **DISMISSED WITHOUT PREJUDICE IN PART**. The portion of Defendants’ motion to dismiss seeking dismissal of Plaintiff’s constitutional claim arising under 42 U.S.C. § 1983 is **GRANTED**, and the remainder of Defendants’ motion to dismiss is **DISMISSED WITHOUT PREJUDICE**. Plaintiff’s remaining state law claim is **REMANDED**.

**IT IS SO ORDERED.**

Signed this 31st day of July 2018 in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE